

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Simon Wang	Team: Team # 5	CCRB Case #: 201403517	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 04/13/2014 3:18 PM	Location of Incident: Essex Street and Dumont Avenue	Precinct: 75	18 Mo. SOL 10/13/2015	EO SOL 10/13/2015	
Date/Time CV Reported Mon, 04/14/2014 9:33 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 04/14/2014 9:33 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Jimmy Clerge	01541	945595	GANG BN
2. SGT Joseph Cruzado	04330	934706	GANG BN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM David Paray	07591	939173	GANG BN

Officer(s)	Allegation	Investigator Recommendation
A.SGT Joseph Cruzado	Abuse: Sgt. Joseph Cruzado stopped the car in which § 87(2)(b) was an occupant.	
B.POM Jimmy Clerge	Abuse: PO Jimmy Clerge frisked § 87(2)(b)	
C.SGT Joseph Cruzado	Abuse: PO Joseph Cruzado frisked § 87(2)(b)	
D.SGT Joseph Cruzado	Abuse: Sgt. Joseph Cruzado searched the car in which § 87(2)(b) was an occupant.	

Case Summary

On April 13, 2014, at approximately 3:18 p.m., § 87(2)(b) and § 87(2)(b) were allegedly pulled over by Sgt. Joseph Cruzado, PO Jimmy Clerge and PO David Paray of the Brooklyn North Gang Squad at the intersection of Essex Street and Dumont Avenue in Brooklyn (Allegation A). § 87(2)(b) was allegedly frisked by PO Clerge and § 87(2)(b) was allegedly frisked by Sgt. Cruzado (Allegations B and C). Sgt. Cruzado allegedly searched § 87(2)(b)'s vehicle (Allegation D) before § 87(2)(b) and § 87(2)(b) were released without any summonses.

Mediation, Civil and Criminal Conviction Histories

This case was ineligible for mediation because § 87(2)(b) and § 87(2)(b) filed a Notice of Claim regarding this incident. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] .

Civilian and Officer CCRB Histories

This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (encl. 2e-f). One allegation of refusal to provide name and shield number was substantiated against Sgt. Cruzado in CCRB case number 200504637 (encl. 2a-c). He was given instructions. One allegation of premises entered was substantiated against PO Clerge in CCRB case number 201304766 (encl. 2d). The board recommended charges against him. The NYPD disposition is pending.

Status of Civil Proceedings

§ 87(2)(b) and § 87(2)(b) both filed Notices of Claim with the City of New York, claiming unlawful search and seizure, false arrest, assault, battery, sexual harassment, intentional infliction of emotional distress, and seeking one million dollars as redress (encl. 4a-j).

Investigative Findings and Recommendations

Identification of Subject Officers

§ 87(2)(b) recorded the license plate number of the vehicle that the officers were driving. According to NYPD Fleet Services, the vehicle was assigned to Brooklyn North Gang Squad, and assigned vehicle number 748 (encl. 10c). According to the tactical plan of Brooklyn North Gang Squad on April 13, 2014, Sgt. Cruzado, PO Clerge and PO Paray were assigned to vehicle number 748 (encl. 6a). § 87(2)(b) described the officer who searched him as a white Hispanic male, who was 5'7" to 5'9" tall, overweight and appeared to be in his 40's. This matches the appearance of Sgt. Cruzado, who is a white Hispanic male, 5'8" tall, and weighs 200 pounds. § 87(2)(b) described the officer who searched him as a black male, 6'2" tall, who was slightly overweight, which matches the appearance of PO Clerge, who is a black male, 5'11" tall and weighs 200 pounds. § 87(2)(g)

PO Paray is a South Asian male, who is 5'10" tall and weighs 165 pounds, which corresponds to § 87(2)(b)'s description of the third officer as a South Asian or Middle Eastern male, who was 6'0" tall.

Allegation A: Sgt. Joseph Cruzado stopped the car in which § 87(2)(b) was an occupant.

Allegation B: PO Jimmy Clerge frisked § 87(2)(b)

Allegation C: Sgt. Joseph Cruzado frisked § 87(2)(b)

Allegation D: Sgt. Joseph Cruzado searched the car in which § 87(2)(b) was an occupant.

§ 87(2)(b) and § 87(2)(b) were interviewed on April 23 (encl. 3c-d), and April 25, 2014 (encl. 3h-i) respectively. § 87(2)(g) alleging that they were pulled over by an unmarked vehicle containing Sgt. Cruzado, PO Clerge and PO Paray. They alleged that Sgt. Cruzado approached the passenger side of the vehicle while PO Clerge approached the driver's side. § 87(2)(b) and § 87(2)(b) both alleged that PO Clerge frisked § 87(2)(b) while Sgt. Cruzado frisked § 87(2)(b) and § 87(2)(b) were then escorted to the rear of the vehicle where they were guarded by PO Clerge and PO Paray while Sgt. Cruzado searched inside the vehicle. § 87(2)(b) and § 87(2)(b) were allegedly told that they were pulled over because they were suspected of operating an illegal taxi. They were released without arrest or summons. § 87(2)(b) recorded the license plate number of Sgt. Cruzado, PO Clerge and PO Paray's vehicle.

PO Clerge and PO Paray were both interviewed on July 24, 2014 (encl. 5g-l). They both denied any recollection of the incident. PO Clerge and PO Paray had no recollection of being in the vicinity of the incident, although they recalled working within the confines of the precinct of the incident. Sgt. Cruzado was interviewed on September 25, 2014 (encl. 5c-d) stated that he was conducting surveillance activities in the vicinity of the incident location with PO Clerge and PO Paray on the day of the incident. He stated that unidentified black men walked past their vehicle while they were parked and made comments taunting them. Sgt. Cruzado denied interacting with these men. He denied that they pulled over any vehicle, frisked anyone, or searched any vehicle. There was no police documentation of this incident such as a Stop, Question and Frisk report, radio transmissions (encl. 6l-p) or a record of a warrant check (encl. 10b).

§ 87(2)(g)

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Team: 5

Investigator: _____	<u>Simon Wang</u>	<u>12/04/14</u>
Signature	Print	Date

Supervisor: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date